

## ORDINANCE NO. 435U

### AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES REGULATING PEDDLING, AMENDING THE RANCHO PALOS VERDES MUNICIPAL CODE AND DECLARING THE URGENCY THEREOF.

THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1.** Section 5.10.020 A of Chapter 5.10 of Title 5 of the Rancho Palos Verdes Municipal Code is hereby amended to read follows:

"A. No person shall commence, conduct or purport to commence or conduct the following business activities within the boundaries of the city of Rancho Palos Verdes without possessing a valid business permit issued pursuant to this chapter:

1. Massage establishment\*;
2. Massage technician\*;
3. Peddler.

\*The applicant is required to be fingerprinted by the Los Angeles County Sheriff's Department.

**Section 2.** Title 5 of the Rancho Palos Verdes Municipal Code is hereby amended by adding new Chapter 5.28 thereto to read follows:

#### "Chapter 5.28

#### PEDDLERS

##### Sections:

- 5.28.010 Purpose.
- 5.28.020 Permit required.
- 5.28.030 Definitions.
- 5.28.040 Exemptions.
- 5.28.050 Additional information required for permit.
- 5.28.060 Manner of peddling.
- 5.28.070 Effect on other ordinances.
- 5.28.080 Additional grounds for modification, revocation or suspension.
- 5.28.090 Penalty for violations.

**5.28.010 Purpose.** The purpose of Chapter 5.28 is to mitigate the negative impacts generated by unregulated peddling. These negative impacts include, but are not limited to: (i) an increase in the amount of litter; (ii) trampling down lawns when peddlers trespass upon or walk across private property; (iii) an increased risk of vehicle accidents and personal injury when peddling from motorized vehicles; (iv) invasion of personal privacy when motorized vehicles remain parked for long periods of time in front of a person's home or business; (v) disruption of the peaceful repose of residents when catering trucks or other motorized or nonmotorized vehicles emit sounds to gain the attention of potential customers, and (vi) an increased risk of personal injury when carrying products through a neighborhood and exposing such items to the public for sale.

**5.28.020 Permit required.** No person shall engage in, conduct or carry on the business of peddling without a permit issued pursuant to Chapter 5.10. If any of the provisions

of Chapter 5.10 conflict with the provisions of this Chapter, the provisions of this Chapter shall prevail as to all matters and questions arising out of the subject matter of this Chapter. A permit issued pursuant to Chapter 5.10 may specify where and when peddling is permitted.

**5.28.030 Definitions.** For the purpose of Chapter 5.28, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

(a) "Captive audience" means one or more purposefully stationary persons, such as persons in lines or seated in public areas.

(b) "City" means the City of Rancho Palos Verdes.

(c) "Food" and "food products" shall mean any liquid or edible product designed for human consumption, including but not limited to, fruits, vegetables, meats, fish, candy, ice cream and other milk products, soda pop, juice, and any other prepared or unprepared edible item.

(d) "Peddler" means any person who engages in the act of peddling, as defined in this Section.

(e) "Peddle" and "Peddling" mean traveling by foot, motorized vehicle, non-motorized vehicle or any other type of conveyance from place-to-place, house-to-house, or from street-to-street, carrying, conveying or transporting goods, wares, merchandise, or food and concurrently offering or exposing the same for sale.

(f) "Person" means any individual, firm, business, partnership, corporation, cooperative, company, association, joint stock association, church, religious sect, religious denomination, society, organization, or league and shall include any trustee, receiver, assignee, agent, solicitor, or other similar representative thereof.

(g) "Public sidewalk or street" means all of those areas dedicated as public thoroughfares, including, but not limited to, roadways, parkways, medians, alleys, sidewalks and public ways.

**5.28.040 Exemptions.** The provisions of Chapter 5.28 shall not apply to the following:

(a) The sale or delivery of merchandise by a person engaged in the business of selling such merchandise at a fixed place of business in the City, or elsewhere, and which merchandise has been ordered to be so delivered prior to such delivery.

(b) Any peddling that is allowed in connection with a community event that has been approved by the City, including, but not limited to, a carnival, fair, organized picnic or fund raiser.

(c) Peddling by representatives of a nonprofit entity that is within the purview of Section 501(c)(3) of the Internal Revenue Code and is registered as a nonprofit corporation with the California Secretary of State.

**5.28.050 Additional information required for permit.** In addition to the information required in Section 5.10.030, an applicant for a peddler's permit shall:

- (a) Include in his or her application the vehicle identification number, license plate number and proof of current registration for the motorized vehicle, if any, which will be used for peddling in the City;
- (b) Provide the City with evidence of automobile insurance required under State law for operating the motorized vehicle, if any, which is identified in the permit application form; and
- (c) Provide a copy of a current Health Permit, if required to sell the particular product.

**5.28.060 Manner of peddling.**

- (a) No peddler shall peddle any goods, wares, merchandise or food in any park owned or operated by the City, unless specifically authorized in writing by the City Manager. If the City Manager authorizes an individual or entity to peddle at a City park, then any peddler who is peddling pursuant to that authorization shall maintain a copy of the City Manager's written authorization in his or her possession while the person is peddling on the City's property and shall present the letter of authorization, upon request from a City official or employee or representative of the Los Angeles County Sheriff's Department.
- (b) No peddler shall peddle any goods, merchandise, wares or food from any non-motorized vehicle on any portion of any public sidewalk or street or right-of-way.
- (c) No peddler shall peddle goods, merchandise, wares or food by sitting, standing or walking on a public sidewalk or street or upon a median or grassy embankment within a public sidewalk or street right-of-way. This does not include sitting or standing in a motorized vehicle that is lawfully parked on a public street and for which the peddler has a permit and business license to peddle.
- (d) No peddler shall stand or park any motorized vehicle for more than ten minutes in any particular location, nor shall any peddler stand or park any motorized vehicle in violation of any City ordinance. Regardless of the length of time parked at any particular location, no peddler shall park within five hundred (500) feet, as measured in any direction, of an area where he or she previously parked at the beginning of the ten minute period, until twenty-four hours have elapsed from the end of said ten minute period.
- (e) No peddler using a motorized vehicle shall carry any merchandise, wares, goods or food outside a ten foot radius encircling the motorized vehicle.
- (f) No peddler shall park or stand a motorized vehicle used for peddling in a manner which causes a hazard to vehicular or pedestrian traffic, and no peddler shall distribute any item from such a motorized vehicle in a manner that causes any person to stand in that portion of the street that is between the vehicle and the center of the street.
- (g) No peddler shall park a motorized vehicle on any street during the hours of 8:00 p.m. through 7:00 a.m. of the next succeeding day.

(h) No peddler shall sell or offer for sale any food or other goods from a motorized vehicle unless he or she maintains a clearly designated litter receptacle in the immediate vicinity of the vehicle, marked with a sign requesting use by patrons. Prior to leaving the location, the peddler shall pick up, remove and dispose of all trash or refuse which consists of materials originally dispensed by the peddler, including any packages or containers, or parts thereof, used with or for dispensing such food or goods.

(i) Between 8:00 p.m. and 7:00 a.m., the peddler shall not make any outcry, blow a horn, ring a bell, or use any sound devices or musical instrument upon any of the streets, alleys, parks or other public places of this City where sound is of sufficient volume to be capable of being plainly heard upon the public sidewalks or streets, public parks or other public places, for the purpose of attracting attention to any goods, wares, merchandise or food which the permittee proposes to sell.

(j) No peddler shall keep, maintain or operate any motorized vehicle used in selling food products in or upon any public street or other public place within 200 feet of the nearest property line of any property on which a public school building is located. This prohibition will not apply if the school principal gives the peddler written permission to park on school property to sell, give away, distribute or offer to sell any food or other products. If the school principal authorizes an individual or entity to peddle on school property, then any peddler who is peddling pursuant to that authorization shall provide a copy of the principal's written authorization to the City within five days of receipt of the authorization from the principal; shall maintain a copy of the principal's written authorization in his or her possession while the person is peddling on the school's property and shall present the letter of authorization, upon request from a City official or employee or representative of the Los Angeles County Sheriff's Department.

(k) No peddler shall persistently and importunately peddle any goods, merchandise, wares or food to any member of the public after such member of the public expresses his or her desire not to purchase anything from the peddler.

(l) No peddler shall intentionally or deliberately obstruct the free movement of any member of the public on any public sidewalk or street or in any public place.

(m) No peddler shall peddle any items to a captive audience.

(n) No peddler shall threaten any injury or damage to any member of the public who declines to purchase any items being peddled, if such threat, whether by word or gesture, would make a reasonable person fearful.

(o) No peddler shall peddle or attempt to peddle to the occupants of vehicles standing or moving upon any public street or highway. Nothing in this paragraph shall be construed to prohibit peddling to the occupants of any vehicle that is lawfully parked.

(p) No peddler shall park or stand the motorized vehicle in violation of any conditions included in the permit as provided under Section 5.10.100.

(q) No peddler shall peddle from any motorized vehicle which has not been identified in the application.

(r) No peddler shall stop, stand or park any motorized vehicle in violation of any provision of the California Vehicle Code or the Rancho Palos Verdes Municipal Code.

(s) No peddler shall peddle any food unless the items being sold comply with all applicable food labeling requirements established by the State of California and the peddler has all required permits, including, without limitation, Health permits, to sell such items.

(t) No peddler shall peddle any goods from any motorized vehicle which does not have insurance as required under State law for operating the motorized vehicle.

**5.28.070 Effect on other ordinances.** Peddlers required to comply with the provisions in Chapter 5.28 shall not be relieved from complying with any other provision of this Code, including, but not limited to, Chapter 5.04, and shall remain subject to the regulatory provisions of other chapters. Nothing contained in Chapter 5.28 shall be interpreted or enforced in such a manner as to constitute a change in the tax currently imposed by Chapter 5.04.

**5.28.080 Additional grounds for modification, revocation or suspension.** In addition to the grounds set forth in Section 5.10.090, a permit issued pursuant Chapter 5.28 may be modified, suspended or revoked if the permittee violates any of the provisions of Chapter 5.28 on two separate occasions within a 12-month period.

**5.28.090 Penalty for violations.** A violation of any of the provisions of Chapter 5.28 is a misdemeanor, punishable by the general penalty of Chapter 1.08.010 of the Rancho Palos Verdes Municipal Code."

**Section 3.** Section 10.04.060 of Chapter 10.04 of Title 10 of the Rancho Palos Verdes Municipal Code is amended in its entirety to read as follows:

**"10.40.060 Parking by itinerant vendors/peddlers.** Chapter 5.28 of the Rancho Palos Verdes Municipal Code provides additional restrictions on parking of vehicles by peddlers."

**Section 4.** **Urgency Findings.** It has come to the attention of the City that peddlers who have City business licenses have been operating in the City in violation of other provisions of the Municipal Code, including the City's parking requirements. Despite warnings and citations from the Sheriff's Department, violations of the Municipal Code have continued. This behavior and ongoing commercial activity in and adjacent to residential neighborhoods has had an adverse impact upon residences in the area due to the length of time that these commercial transactions have been conducted at the same location, sometimes continuing for several hours during the day. Because some peddlers have been staying at locations that are not designed to accommodate long term business transactions, due to lack of restrooms, trash receptacles, etc., trash and debris have been deposited upon the surrounding properties as well as other conduct by patrons that is adversely affecting the adjacent properties. For these reasons, it is necessary for the City to immediately adopt regulations governing peddling within the City. Allowing unregulated peddling to continue will cause adverse impacts to neighboring properties and the peaceful enjoyment of the properties by the owners and will risk the public health, safety and welfare of the City's residents and the general public. It is therefore urgent that the enactment of regulations governing peddling in the City effected by this ordinance become effective immediately to prevent adverse impacts to the public health, safety and

welfare that result from unregulated peddling. Based on the foregoing, the City Council hereby finds that this ordinance is necessary for the immediate preservation of the public health, safety and welfare, hereby declares the facts constituting the urgency, and passes this ordinance by at least a four-fifths vote of the City Council. Accordingly, this measure is adopted immediately upon introduction pursuant to Government Code Section 36934 and shall take effect immediately pursuant to Government Code Section 36937(b).

**Section 5.** The City Council declares that, should any provision, section, paragraph, sentence, or word of this ordinance be rendered or declared invalid by any final action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this ordinance shall remain in full force and effect.

**Section 6.** The City Clerk shall cause this Ordinance to be posted in three (3) public places in the City within fifteen (15) days after its passage, in accordance with the provisions of Section 36933 of the Government Code. The City Clerk shall further certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification, together with proof of posting, to be entered in the Book of Ordinances of the Council of this City.

**Section 7.** This Ordinance is an urgency ordinance and shall go into effect immediately upon adoption.

PASSED, APPROVED and ADOPTED this 21<sup>st</sup> day of February 2006.

  
Mayor

Attest:

  
City Clerk

STATE OF CALIFORNIA                     )  
COUNTY OF LOS ANGELES            )ss  
CITY OF RANCHO PALOS VERDES        )

I, Carolyn Petru, City Clerk of the City of Rancho Palos Verdes, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. 435U was duly and regularly adopted by the City Council of said City at a regular meeting thereof held on February 21, 2006, and that the same was passed and adopted by the following roll call vote:

AYES:	Clark, Gardiner, Long, Stern, and Mayor Wolowicz
NOES:	None
ABSENT:	None
ABSTAIN:	None

  
City Clerk



## AFFIDAVIT OF POSTING

That at all times herein mentioned, she was and now is the appointed City Clerk

That on March 14, 2006, she caused to be posted the following document entitled:

City Hall  
30940 Hawthorne Blvd.  
Rancho Palos Verdes

Ladera Linda Community Center  
32201 Forrestal Drive  
Rancho Palos Verdes

Hesse Park  
29301 Hawthorne Blvd.  
Rancho Palos Verdes

Carolynn Petru  
City Clerk